

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 7/18/2005	Department ID Number: PL05-22

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCILMEMBERS

SUBMITTED BY: *PENELOPE CULBRETH-GRAFT* PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR

PREPARED BY: *JENNIFER MCGRATH* JENNIFER MCGRATH, City Attorney

HOWARD ZELEFSKY, Director of Planning *[Signature]*

SUBJECT: APPROVE CONDITIONAL USE PERMIT NO. 2005-015 (SECOND MASTER CUP FOR 42 CONDOMINIUM CONVERSIONS)

2005 JUL -6 PM 3:51
 CITY CLERK
 CITY OF
 HUNTINGTON BEACH, CA

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue:

Transmitted for City Council review is Conditional Use Permit No. 2005-015 (CUP 05-15), a request by numerous property owners for approval of 42 condominiums on 11 properties that were converted from apartments and stock cooperatives and sold as condominiums prior to June 1, 2004 without obtaining City approval and associated entitlements. This master CUP 05-15 is part of a settlement agreement reached between the City and five title companies representing the 42 property owners and the second such master CUP to come before the Council.

Staff recommends the City Council approve the request as submitted (**Recommended Action**) and approve the 42 residential condominium conversions.

Funding Source: Not applicable.

Recommended Action:

STAFF RECOMMENDATION:

Motion to:

"Approve Conditional Use Permit No. 05-15 with findings and conditions for approval (ATTACHMENT NO. 1)."

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Alternative Action(s):

The City Council may make the following alternative motion(s):

1. "Continue Conditional Use Permit No. 05-15 and direct staff accordingly."
2. "Deny Conditional Use Permit No. 05-15 with findings."

Analysis:

A. PROJECT PROPOSAL:

Applicants: 42 Property Owners – See Below

Locations: 11 Locations – See Below

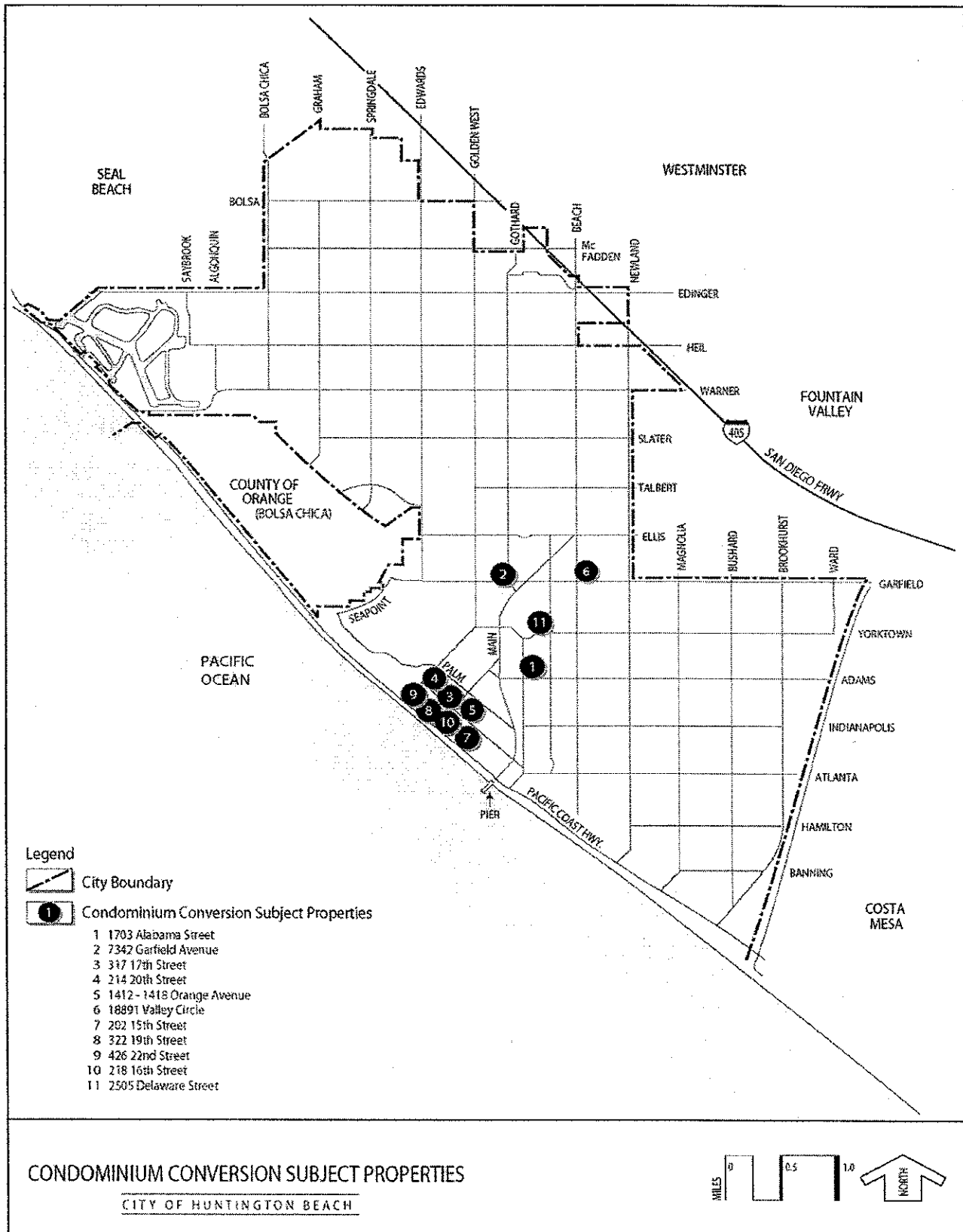
SITE NO.	CONDOMINIUM ADDRESS	PROPERTY OWNERS (As of June 16, 2005)
1	1703 Alabama Street, Units A-D	Stolba Jean L 2004 Trust, Larry B. Zumbro, Alexandra Pedano, Jean Stolba
2	7342 Garfield, Units A-D	Louis Craig, Rosemary Short-Baker, Terry Davis, Michael Carter
3	317 17th, Units A-C	Eric L. & Ruby L. Frazier, Yung-Hua Hsu, Scott Schutzman
4	214 20 th Street, Units A-D	Josh and Angela Lewis, Greg and Robin Endsley, Patricia Conners, Anthony and Tracy Cecola
5	1412-1418 Orange, Units A-D	W. Jason Bonifay, Robert David and Valerie Vigil-David, Robert C. Nelson, Damon W. Hill
6	18891 Valley Circle, Units A-D	Timothy and Grace Yuan (4 units)
7	202 15 th Street, Units A-C	Gwendolyn Edwards, David Loomer, John and Teri Gillespie
8	322 19 th Street, Units A-D	Lisa L. Perez, Rashid and Eleanor Syed, Caroline Cass, Waltrand Mattern
9	426 22 nd Street, Units A-D	Gregory and Cindy Gunn, Michael and Erika Reardon, Robert Gambrel, David O'Toole
10	218 16 th Street, Units A-D	Patrick Bortmann, Andreas Osman, Kayla and Robert Holmes, Jane Hiltz
11	2505 Delaware Street, Units 1-4	Carmel McDonnell, Cara Marshall, Richard and Lori Lujan, Garrison and Renee U. Tarnow

Conditional Use Permit No. 05-15 is a request for approval of a master CUP for 42 residential units previously converted from apartments and stock cooperatives without City approval. This master CUP covering 11 separate properties is a result of a settlement agreement between the City and five different title insurance companies representing the property owners listed above.

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B. BACKGROUND

On July 6, and July 19, 2004, the City Council updated the condominium conversion ordinance by creating processing exceptions and reduced development requirements for apartments and stock cooperatives that have been converted into condominiums without City approval. Additionally, the Council adopted updates for all future condo conversion projects.

At the July 6, 2004 public hearing, the City Council directed staff to further streamline the permitting process and to explore alternatives deleting the tentative parcel map process for previously converted units. The Council also directed staff to investigate alternatives for projects unable to comply with current code provisions for parking and landscaping, while at the same time develop an affordable housing in-lieu fee to offset the loss of affordable rental housing.

On November 29, 2004, the City Council further streamlined the permitting process by eliminating the tentative parcel map process and establishing an affordable housing in-lieu fee for those projects that cannot meet current parking and landscaping requirements. Additionally, on the same date, the Council acted on the first Master CUP and approved 35 condominiums on 9 separate properties.

C. STAFF ANALYSIS AND RECOMMENDATION:

Staff and the five title companies representing the property owners have come to an agreement to process one master conditional use permit to permanently establish the condominium conversions subject to certain parameters. Specifically, the settlement agreement requires the following conditions of approval for the subject properties:

- a. Roofing, siding, doors, windows, paint, walkways, parking areas and landscape of the units shall be in good condition and repair;
- b. Any construction performed without permits in violation of City's Municipal Code (HBMC) and any violations of the HBMC shall be remedied;
- c. City will require and property owners shall permit physical inspection of the units pursuant to HBMC Section 235.08 A to assure compliance with the minimum requirements of the Housing Code, and property owners agree to remedy any conditions not so compliant;
- d. Property owners shall prepare and submit for approval by the City Attorney a set of Conditions, Covenants, & Restrictions (CC&Rs) consistent with HBMC Section 235.06 B. and containing a map prepared by a licensed surveyor or engineer and suitable for recording that depicts the air space and common areas of the building in which the units are located.
- e. Payment of an in-lieu inclusionary housing fee in the amount of \$10,000 per insured unit shall be made to the City of Huntington Beach within 20 days of approval of CUP No. 05-15.

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Staff recommends approval of Conditional Use Permit No. 05-15 in order to reduce processing costs and permitting time for property owners of condominium units, which have entered into a settlement agreement with the City. A map, prepared by a licensed surveyor or engineer and suitable for recording that depicts the air space and common areas of the building in which the units are located, will be included in the CC&Rs. Therefore, the stipulations of the settlement agreement still offer protection of subdivision and ownership definitions to the property owners.

Staff finds that the condominium units will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhoods. Based upon the conditions imposed the exterior of the units will be in good condition, any construction performed without permits or any significant health and safety violations will be remedied, and minimum construction standards will be met. Additionally, the projects are all located in residential areas ensuring compatibility with adjacent properties, the properties will be maintained in good condition, and affordable housing in-lieu fees will be paid.

The projects are also consistent with the General Plan and Zoning designations of Medium High Density (4 sites) and Medium Density Residential (7 sites). The granting of the conditional use permit will not adversely affect the goals and policies of the General Plan, which encourage a variety of housing types with various floor plans and amenities as well as the provision of affordable housing.

In summary, staff recommends approval of Conditional Use Permit No. 05-15 for the following reasons:

- Decreases processing time for applicants and the City
- Reduces application costs for property owners and the City
- Continues to provide for quality development
- Minimum construction standards will be met
- Ensures protection of existing and future property owners
- Provides for payment of an affordable housing in-lieu fee
- Consistent with General Plan, Zoning, and the settlement agreement

Environmental Status:

The proposed project is categorically exempt pursuant to Class 3, New Construction or Conversion of Small Structures, Section 15303, California Environmental Quality Act, which states that new construction or conversion of up to six multi-family units at one project site are exempt.

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Attachment(s):

City Clerk's Page Number	No.	Description
7	1.	Suggested Findings and Condition of Approval
10	2.	Power Point Presentation

RCA Author: Jane James/Scott Hess

D-2.6

D-2.7

ATTACHMENT 1

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT NO. 05-15

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-15:

1. Conditional Use Permit No. 05-15 for the establishment, maintenance and operation of 42 condominium units on 11 separate properties will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. Based upon the conditions imposed the exterior of the units will be in good condition, any construction performed without permits or any significant health and safety violations will be remedied, minimum construction standards will be met, CC&Rs with a surveyor or engineer prepared map will be submitted, and affordable housing in-lieu fee will be paid.
2. The conditional use permit will be compatible with surrounding uses because all of the subject properties are located within residential districts and are surrounded by other multi-family or single-family units.
3. The proposed conditional use permit for 42 condominium units on 11 properties will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. In addition, each project will comply with any specific condition required in the settlement agreement.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designations of Medium High and Medium Density Residential on the various subject properties. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Policy LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

Policy LU 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map, in accordance with the appropriate principles.

B. Housing Element

Policy H 3.1.1: Encourage the provision and continued availability of a range of housing types throughout the community, with variety in the number of rooms and level of amenities.

D-2.8

The subject residential properties vary from tri-plexes to four-plexes and are located throughout the City. Four of the eleven total project sites are zoned and General Planned for Medium High Density Residential while the remaining seven properties carry Medium Density Residential zoning and land use designations. The units represent a variety of unit types with various floor plans and amenities. An affordable housing in-lieu fee will be submitted for each project.

5. The City Council finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because new construction or conversion of up to six multi-family units at one project site are exempt.

SUGGESTED CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 05-15:

1. Conditional Use Permit No. 05-15 will become effective at each individual property in accordance with the approved settlement agreement.

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Attachment 1.2

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ATTACHMENT 2

CONDOMINIUM CONVERSIONS

CITY OF BIRMINGHAM
JULY 15, 2013
MAYOR B. BRADSHAW
NO. 2003013

PROJECT PROPOSAL

Settlement Agreement between City and 5
companies

After CUP for approval of condominium

Terms:

2 condominium units previously converted
without City approval

1 properties located City-wide

D-2.111

ANALYSIS

- Over master CUP stipulating:
 - Exterior improvements in good condition;
 - Remedy any construction without permits;
 - Inspection for compliance with minimum construction standards and code violations;
 - CC&Rs with engineer prepared map;
 - Payment of in-lieu inclusionary housing fee of \$20,000 per unit

ANALYSIS

- Map with CC&Rs defines property
- Not detrimental to general welfare
 - Located in residential areas
 - Properties maintained in good condition
 - Remedy of construction without permits
 - Minimum construction standards met
 - Affordable housing in-lieu fee paid
 - Consistent with General Plan and zoning

D-2.12

STAFF RECOMMENDATION

Recommend approval of CUP 05-15:

Decreases processing time

Reduces application costs

Provides for quality development

Meets minimum construction standards

Protects current and future owners

Provides affordable housing in-lieu fee

Consistent with General Plan, zoning, and the
Settlement agreement

End of Presentation

D-2.13